

Remarks

A. Pending Claims

Claims 1093, 1108-1110, 1119, 1125-1130, 1145, 1146, and 1149-1154 have been amended. Claims 1099, 1101, 1116, and 1148 have been cancelled. Claims 1158-1161 are new. Claims 1093-1098, 1100, 1102-1110, 1113-1115, 1119, 1120, 1123-1130, 1133, 1134, 1136, and 1138-1147, and 1149-1161 are pending.

B. The Claims Are Not Obvious over Page Pursuant to 35 U.S.C. § 103(a)

The Examiner rejected claims 1093-1110, 1113-1116, 1119-1120, 1123-1130, 1133-1134, 1136, 1138-1157 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,464,134 to Page ("Page"). Applicant respectfully disagrees with these rejections.

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner*, 154 U.S.P.Q. 173, 177-78 (C.C.P.A. 1967). To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 1093, 1108, and 1109 have been amended to describe combinations of features including:

comparing ... at least a portion of the pre-printed information in the payment instrument to one or more document stock profile representations associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the payment instrument to approximately match at least one of the one or more document stock profile representations.

Support for the amendments to claims 1093, 1108, and 1109 may be found in Applicant's specification at least on page 26, line 2 to page 27, line 6; page 16, line 28 to page 17, line 5; page 54, line 4 to page 55, line 7; and Tables 1 and 2.

Page states:

The issuing terminal 10 preferably includes sufficient processor and memory/storage capabilities to at least temporarily store and integrate data relating to the one or more bank checks prepared and issued thereby, and if desired can be integrated directly with a check processing and/or accounting computer by which the checks are normally issued. In preparing and issuing bank checks, the issuing terminal 10 preferably includes a first input facility, such as comprising a scanner assembly 18, and/or integral or remote connection to an accounting computer. The scanner assembly 18 can be in the form of an optical scanner or other reader designed and structured to electronically read the pre-printed account data found on the face of the bank check. The scanner assembly 18 may take a variety of forms including, but not necessarily limited to, a "swipe" scanner generally of the type used to read the magnetic strip on credit cards. A swipe-type scanner would be structurally modified to read at least the account data pre-printed on the face of the check and also could be structurally adapted to scan and electronically read the printed, individualized payee data as well if it has been entered in a machine readable form. Such pre-printed account data normally includes the payor's account number, a bank routing number and check number, as well as other possible information. Of course, the first input facility associated with the issuing terminal may also include a manually actuable keypad or keyboard 20 of somewhat conventional design, which allows data to be entered into the processing and storage capabilities of the issuing terminal 10 if direct connection is not available at the point of issuance. More specifically, the keyboard 20 may, under some circumstances, be used for the manual inputting of individualized payee data associated with each of the plurality of bank checks being prepared. The keyboard 20 would be used to input the individualized payee data in circumstances where such payee data was not automatically printed in typical fashion, such as by computer facility or the like, and a link between the issuing terminal and the printing or accounting computer is not possible. Preferably, the payee data includes at least the name or other identification of the payee and/or the dollar amount or value of the check. Along these lines, the issuing terminal 10 preferably includes a printer or like printing facility 22, so as to produce any desired hard copy records of any data entered into and stored in the memory facilities of the issuing terminal 10 relating to the one or more checks being processed.

(Page, column 6, line 45 to column 7, line 22)

Page discloses an issuing terminal for issuing checks that preferably includes a first input facility that may include a scanner assembly. Page further discloses a swipe-type scanner may read account data pre-printed on the face of a check and also could scan and electronically read the printed, individualized payee data as well if it has been entered in a machine readable form. Page does not appear to teach or suggest comparing a portion of the pre-printed information in a

payment instrument to one or more document stock profile representations associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity in which evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the payment instrument to approximately match at least one of the document stock profile representations, in combination with the other features of claims 1093, 1108, and 1109.

For at least the reasons set forth above, Applicant submits that claims 1093, 1108, and 1109 and the claims dependent thereon are allowable over the cited art.

Claims 1110, 1125, and 1126 have been amended to describe combinations of features including:

comparing ... machine-printed text in at least one machine-printed text block of the payment instrument to one or more document stock profile representations associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the machine-printed text in at least one machine-printed text block in the payment instrument to approximately match at least one of the one or more document stock profile representations.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claims 1110, 1125, and 1126, in combination with the other features of the claims.

Claims 1127, 1128, and 1129 have been amended to describe combinations of features including:

determining ... one or more document stock profile representations for at least a portion of the pre-printed information on the one or more payment instruments, wherein the one or more document stock profile representations are associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the information field of the payment instrument to approximately match at least one of the one or more document stock profile representations.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claims 1127, 1128, and 1129, in combination with the other features of the claims.

Claims 1130, 1145, and 1146 have been amended to include certain features of claim 1154. Claims 1130, 1145, and 1146 describe combinations of features including:

analyzing a correlation of information between two or more of the information fields, wherein the analysis of a first information field of the payment instrument is dependent on what information is in a second information field of the payment instrument;

wherein the comparison of the pre-printed information in the information field of the payment instrument to the at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument is based on the correlation analysis between the first information field and the second information field.

The Examiner does not appear to cite any portion of Page or any other reference regarding the features of claim 1154. Page does not appear to disclose any correlation, much less does Page teach or suggest analyzing a correlation of information between two or more information fields, wherein the analysis of a first information field of the payment instrument is dependent on what information is in a second information field of the payment instrument; wherein a comparison of the pre-printed information in the information field of the payment instrument to the a pre-printed profile representation derived from a corresponding information field in at least one other payment instrument is based on the correlation analysis between the first information field and the second information field. For least this reason, Applicant submits that claims 1130, 1145, and 1146 and the claims dependent thereon are allowable over the cited art.

Claim 1147 describes a combination of features including:

for at least one information field of the payment instrument, comparing at least a portion of the pre-printed information in the information field of the payment instrument to at least one pre-printed profile representation derived from a corresponding information field in at least one non-valid payment instrument, wherein

the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument exists when at least a portion of the pre-printed information in the information field of the payment instrument approximately matches at least one of the pre-printed profile representations derived from a non-valid payment instrument derived from the corresponding information field in at least one other payment instrument.

Regarding claim 1147, the Examiner states:

For claims 110, 113-116, 1119-1120, 1123-1130, 1133-1134, 1136, 1138-1150, see explanations above.

Thus, regarding claim 1147, the Examiner appears to merely refer back to arguments for other claims. Applicant respectfully submits, however, that claim 1147 recites a different combination of features than any of the claims specifically addressed. Among other things, claim 1147 recites: “at least one pre-printed profile representation derived from a corresponding information field in at least one non-valid payment instrument” and “wherein evidence of non-validity of the payment instrument exists when at least a portion of the pre-printed information in the information field of the payment instrument approximately matches at least one of the pre-printed profile representations derived from a non-valid payment instrument derived from the corresponding information field in at least one other payment instrument” (emphasis added). For at least these reasons, Applicant submits that claim 1147 is allowable over the cited art.

Applicant submits that many of the claims dependent on claims 1093, 1110, and 1130 are separately patentable. For example, amended claim 1152 recites: “wherein at least one of the fraud tests is based on a comparison of handwriting in an information field of the payment instrument to at least one handwriting profile representation, wherein at least one of the fraud tests is based on a comparison of pre-printed information in the payment instrument to at least one of the one or more document stock profile representations, wherein at least one of the fraud tests based on handwriting is weighted differently than at least one of the fraud tests based on pre-printed information.” Regarding claim 1152, the Examiner states: “As per claim 1152, see explanation in claim 1152”. Thus, the Examiner does not appear to provide a basis for the rejection of claim 1152. In any event, Applicant submits that the cited art does not teach or

suggest at least the above-quoted features of amended claim 1152, in combination with the other features of the claim.

Claim 1155 recites: "wherein analyzing the correlation of information between two or more information fields comprises reading information from at least one cross-correlation table." Claim 1156 recites: "wherein analyzing the correlation of information between two or more information fields comprises determining whether the writing in the first field of the payment instrument matches an entry in a lexicon associated with the information in the second information field of the payment instrument, wherein the lexicon is based on at least one other payment instrument." Claim 1157 recites: "comparing a size of payment instrument to the size of at least one other payment instrument, wherein evidence of non-validity of the payment instrument comprises failure of the size of the payment instrument to approximately match the size of at least one other payment instrument The Examiner does not appear to cite any portion of Page or any other reference regarding the features of claim 1155-1157. Applicant submits that the cited art does not teach or suggest at least the above-quoted features of amended claims 1155-1157, in combination with the other features of the claim.

C. New Claims

New claim 1158 describes a combination of features including: "wherein comparing pre-printed information in the document to at least one of the one or more document stock profile representation comprises comparing pre-printed information against layout characteristics of the stock profile." Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1159 describes a combination of features including: "wherein comparing pre-printed information in the document to at least one of the one or more document stock profile representation comprises comparing pre-printed information against characteristics of a graphic element of the stock profile representation." Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1160 describes a combination of features including: “wherein comparing pre-printed information in the document to at least one of the one or more document stock profile representation comprises comparing pre-printed information against a bank logo from the stock profile representation.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1161 describes a combination of features including: “wherein comparing pre-printed information in the document to at least one of the one or more document stock profile representation comprises comparing a location of a graphical element in the pre-printed information against a location of a corresponding graphical element in at least one of the one or more stock profile representations.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

D. Additional Comments

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extension of time is required, Applicant hereby requests the appropriate extension of time. If additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account Number 50-1505/5053-00507/EBM.

Respectfully submitted,



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